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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER 3—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q. 503 Rev. 1]

#### WHITE-FRINGED BEETLE QUARANTINE RESTRICTIONS MODIFIED

MARCH 15, 1940.

§ 301.72-5c *Administrative Instructions—Modifying the restrictions of the white-fringed beetle quarantine by authorizing treatment by methyl bromide solution of balled nursery stock of specified thickness—Introductory note.* The instructions in circular B.E.P.Q. 503 issued on November 21, 1939, provided for treatment of nursery stock by a solution of methyl bromide for larvae of the white-fringed beetle and limited the treatment to balled and burlapped nursery stock with soil balls not larger than 6 inches in diameter, and provided for an exposure of 24 hours at temperatures of 70° or above. As a result of more recent investigations, the instructions are now revised to provide that soil balls 7 inches in diameter may be so exposed for 8 hours at a minimum temperature of 65°. The modification is restricted, however, to treatment for larvae of the more common species of the beetle, *Pantomorus leucoloma* Boh., and does not apply to such treatment for the new species, *P. peregrinus* Buch., known to exist at present at Gulfport and certain other points in Mississippi. The former specifications remain in effect for treatment of larvae of that species and are brought forward in the instructions which follow.

#### TREATMENT AUTHORIZED

Under the provisions of Regulation 5 (a) (§ 301.72-5) supplemental to Notice of Quarantine No. 72 (§ 301.72), the Chief of the Bureau of Entomology and Plant Quarantine hereby authorizes as a prerequisite to certification, the following method of treatment for balled plants, when carried out under the supervision

of an authorized inspector of the United States Department of Agriculture.

#### TYPE OF MATERIAL AUTHORIZED

For the more common species, *P. leucoloma*. The treatment shall be applied only to plants in soil balls not greater than seven (7) inches in diameter nor greater than seven (7) inches in thickness when not spherical.

For the new species, *P. peregrinus*. The treatment shall be applied only to plants in soil balls not greater than six (6) inches in diameter nor greater than six (6) inches in thickness when not spherical.

#### TREATMENT METHOD

##### For Both Species of White-Fringed Beetle

(a) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays approximately one foot deep, which are watertight.

(b) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(c) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(d) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

##### Exposure and temperature for the more common species (*P. leucoloma*)

(e) After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours.

(f) The temperature of the soil balls during the treatment shall not be lower than 65° F.

##### Exposure and temperature for the new species (*P. peregrinus*)

(g) After the required dosage has been applied, the soil balls shall remain em-

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bedded in the sand for a period of 24 hours.

(h) The temperature of the soil balls during the treatment shall not be lower than 70° F.

#### DISCLAIMER

There has been no opportunity to test this treatment on many varieties of plants, and it is understood that no liability shall attach either to the United States Department of Agriculture or its employees in the event of injury to either plants or operators.

#### CAUTION

Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless, and in preparing the solution the operator should wear an approved gas mask. (§ 301.72-5) [B.E.P.Q. 503, revised March 15, 1940]

This revision supersedes circular B.E.P.Q. 503 dated November 21, 1939.

[SEAL]

AVERY S. HOYT,  
Acting Chief.

[F. R. Doc. 40-1104; Filed, March 15, 1940; 3:42 p. m.]

### CHAPTER VI—SOIL CONSERVATION SERVICE

[Memorandum No. 854]

#### ADMINISTRATION OF LAND CONSERVATION AND UTILIZATION PROGRAM

##### AMENDING MEMORANDUM NO. 756, AS AMENDED AND SUPPLEMENTED

Memorandum No. 756, dated May 19, 1938, as amended by Memorandum No. 794, dated October 31, 1938, and by Memorandum No. 832, dated July 11, 1939, and as supplemented by paragraph numbered 1 of Memorandum No. 785, dated October 6, 1938, is further amended as follows:

1. Amend paragraph numbered 1 of the itemized list of the functions delegated by the Secretary in connection with the administration of the Land Conservation and Land Utilization Program under Title III and related sections of the Bankhead-Jones Farm Tenant Act, to read as follows:

"1. Exercise options to purchase, and execute easements, leases, licenses, and other forms of contracts for the acquisition of real property or any interest therein, subject to any reservations or exceptions which will not interfere with the use of the property for the purposes of the project, as approved, and adjust and modify the terms of such contracts, including contracts resulting from the exercise of options, as circumstances may require."

2. Amend paragraph numbered 7 of the itemized statement of the authority reserved by the Secretary, to read as follows:

"7. To compromise claims and obligations arising under, and adjust and

modify the terms of leases, contracts, and agreements entered into as circumstances may require, except as otherwise specifically indicated in the first paragraph, numbered 1, above."

Done at Washington, D. C., this 15th day of March 1940. Witness my hand and the seal of the Department of Agriculture:

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-1115; Filed, March 18, 1940; 11:37 a. m.]

### CHAPTER VIII—SUGAR DIVISION

#### PART 802—SUGAR DETERMINATIONS

##### REVISION OF DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1939-1940 CROP OF PUERTO RICAN SUGARCANE

Whereas, section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas, the Secretary of Agriculture, on January 9, 1940, held a public hearing at San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1940 crop of Puerto Rican sugarcane:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination with respect to the requirements of section 301 (d) of the Sugar Act of 1937:

§ 802.42b *Fair and reasonable prices for the 1939-40 crop of Puerto Rican sugarcane.* Fair and reasonable prices for the 1939-40 crop of Puerto Rican sugarcane to be paid by processors who, as producers, apply for payments under the Sugar Act of 1937 shall be as follows:

(a) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer (colono) on the basis of a stated percentage of 96° raw sugar recoverable from the producer's sugarcane, such percentage shall be the same as for the 1938-1939 crop, except that in no event shall it be less than 63 percent of the recoverable sugar (packed in the customary bags) determined in accordance with either of the formulae given below, and except, further, that such recoverable



sugar shall be calculated fortnightly or monthly as may be agreed upon between the producer and the producer-processor:

(1)  $R=FS$   
where:

$R$ =Recoverable sugar, 96° polarization.

$S$ =Polarization of the crusher juice obtained from the sugarcane of each producer, during each fortnight or month.

$F$ =Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer (colono) has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the fortnight or month in which the cane of the producer (colono) has been ground;

or

(2)  $R=(S-0.3B)F$   
where:

$R$ =Recoverable sugar yield, 96° polarization.

$S$ =Polarization of the crusher juice obtained from the sugarcane of each producer.

$B$ ="Brix" of the crusher juice obtained from the sugarcane of each producer.

$F$ =Factor obtained from the fraction whose numerator is the average yield of sugar 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer is ground and whose denominator is the average polarization of the crusher juice minus three-tenths of the Brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the fortnight or month in which the cane of the producer has been ground:

*Provided, however,* That when through the delivery of unripe or burnt cane, or through any other cause, the recoverable sugar determined in accordance with either of the foregoing formulae amounts to nine pounds or less per 100 pounds of cane, or when sugarcane is delivered of the Japanese, Uba, Coinbatore, or other varieties of the *Sacharum Spontaneum* or *Sacharum Sinensis* type, the payment shall be on the basis of rates not less than those provided in the 1938-1939 cane grinding agreement between the producer-processor and the producer.

(b) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer on the basis of an amount of 96° raw sugar equal to a stated percentage of the weight of the sugarcane received

from the producer (commonly referred to as the "flat rate" basis), the applicable percentage for the computation of the quantity of sugar deliverable to the producer shall be not less than the greater of either: (1) the percentage provided for in existing contracts (verbal or written) between the producer and the producer-processor; or (2) the product of the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane during the current crop or month, or week (as may be agreed upon) at the mill where the sugarcane was ground, and .63. The figure for the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane shall be rounded to the nearest one-tenth of a pound. The product of such figure and .63 shall be rounded to the nearest one-hundredth of 1 percent. If payment is to be determined from the sugar recovery for the entire crop, as aforesaid, provisional liquidation shall be made fortnightly or monthly on such basis as may be agreed upon between the producer (colono) and the producer-processor.

(c) When settlement is not made by actual delivery of 96° raw sugar, as aforesaid, the money value of the sugar which would otherwise be delivered to the producer, as in (a) or (b) above (whichever is applicable), shall be paid to the grower on the basis of the average duty paid price for 96° sugar for the fortnight or month (or such other period as may be agreed upon between the producer and the producer-processor) during which the sugarcane is delivered to the producer-processor, converted to the equivalent f. o. b. mill price by deducting selling and delivery expenses actually incurred by the producer-processor, except that in no event shall such deduction amount to more than .27 cent per pound of sugar: *Provided, however,* That settlement may be made for the quantity of sugar in excess of a per centum (computed by dividing the sum of the quotas for Puerto Rico as of April 1, 1940 by the total of the initial proportionate shares) of the sugar assumed to be deliverable from the producer's initial proportionate share (as a basis for computing the cash payment) by the delivery of sugar to the producer, except that in no event shall such partial settlement in sugar be made if the producer's initial proportionate share is 15 tons of sugar or less.

(d) When payment is made by delivery of sugar as in (a) or (b) above, the entire delivery or that part of the delivery representing a per centum (computed by dividing the sum of the quotas for Puerto Rico as of April 1, 1940, by the total of the initial proportionate shares) of the producer's initial proportionate share, whichever is the smaller, shall constitute sugar eligible for marketing under the 1940 quotas, except that if a producer's proportionate share is 15 tons of sugar or less, the entire delivery shall constitute sugar eligi-

ble for marketing within the 1940 quotas.

In addition to the foregoing, the following requirements shall be met:

(1) Any and all "normal carryover inventory" sugar due the grower under (a), (b), (c), or (d) above, shall be stored and insured by the processor free of charge to the grower.

(2) When sugarcane is delivered to a producer-processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the producer-processor shall make payment to the producer of such sugarcane in accordance with the provisions of this determination.

This determination supersedes the "Determination of Fair and Reasonable Prices" for the 1939-1940 Crop of Puerto Rican Sugarcane, Pursuant to the Sugar Act of 1937, issued February 20, 1940.

(Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

Done at Washington, D. C., this 15th day of March, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-1106; Filed, March 16, 1940; 9:12 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 41 to Declaration 12<sup>2</sup>]

#### DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

MARCH 1, 1940.

In accordance with Section 2 of Regulation 7 of B.A.I. Order 309, as amended effective September 10, 1936, the following named counties, having completed the necessary retests for re-accreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Lowndes, March 1, 1943.  
Arkansas: Logan, March 1, 1943;  
White, March 1, 1943.  
California: Alpine, March 1, 1943.  
Colorado: Archuleta, March 1, 1943;  
LaPlata, March 1, 1943.  
Florida: Gadsden, March 1, 1943;  
Monroe, March 1, 1943.  
Georgia: Floyd, March 1, 1943;  
Greene, March 1, 1943; Hart, March 1, 1943; Jackson, March 1, 1943; Pulaski, March 1, 1943; Stephens, March 1, 1943.  
Illinois: Lee, March 1, 1943; St. Clair, March 1, 1943.  
Indiana: Crawford, March 1, 1943;  
Noble, March 1, 1943.

<sup>1</sup> 5 F.R. 723.

<sup>2</sup> Supplements footnote to 9 CFR 77.3.



Iowa: Shelby, March 1, 1943; Taylor, March 1, 1943.

Kansas: Greenwood, March 1, 1943.

Kentucky: Boyd, March 1, 1943; Bracken, March 1, 1943; Hancock, March 1, 1943; Harlan, March 1, 1943; Hopkins, March 1, 1943; Lyon, March 1, 1943.

Michigan: Barry, March 1, 1943; Oakland, March 1, 1943.

Minnesota: Cottonwood, March 1, 1943; Lincoln, March 1, 1943; Olmsted, March 1, 1946.

Missouri: Butler, March 1, 1943; Gen-try, March 1, 1943; Lincoln, March 1, 1943; Phelps, March 1, 1943.

Nebraska: Garden, March 1, 1943.

Nevada: Eureka, March 1, 1943; Washoe, March 1, 1943.

New Jersey: Hunterdon, March 1, 1942.

New York: Onondaga, March 1, 1943.

North Carolina: Moore, March 1, 1943.

Ohio: Lorain, March 1, 1943; Medina, March 1, 1943.

Pennsylvania: Chester, March 1, 1943; Erie, March 1, 1943; Fulton, March 1, 1943; Huntingdon, March 1, 1943; Wayne, March 1, 1943.

South Carolina: Calhoun, March 1, 1943; Dillon, March 1, 1943.

Tennessee: Obion, March 1, 1943; Van Buren, March 1, 1943.

Texas: Grayson, March 1, 1943; Hemphill, March 1, 1943; Marion, March 1, 1943; Wilson, March 1, 1943.

Virginia: Fluvanna, March 1, 1943; Nansemond, March 1, 1943; Richmond, March 1, 1943.

Washington: Whitman, March 1, 1943.

West Virginia: Hancock, March 1, 1943; Kanawha, March 1, 1943; Mason, March 1, 1943; Mercer, March 1, 1943; Monongalia, March 1, 1943; Roane, March 1, 1943; Wirt, March 1, 1943.

Wisconsin: Milwaukee, March 1, 1943; Racine, March 1, 1943; Waupaca, March 1, 1946.

Puerto Rico: Ceiba, March 1, 1943; Humacao, March 1, 1943; Naguabo, March 1, 1943.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL]

A. W. MILLER,  
Acting Chief of Bureau.

[F. R. Doc. 40-1105; Filed, March 15, 1940;  
3:42 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VI—ORGANIZED RESERVES

#### PART 62—RESERVE OFFICERS' TRAINING CORPS<sup>1</sup>

§ 62.23 *Training, junior division—(a) Essentially military school units (Class MS). Junior division training in essentially military school units will consist*

<sup>1</sup> Section 62.23 (a) and (c) is amended.

of a 4 years' course of theoretical and practical instruction. Its scope will include training equivalent to the basic course, infantry units, senior division, supplemented by appropriate subjects from the advanced course. The program of instruction covering the above 4 years' course is published by the War Department. This training will not be curtailed or compressed.

(c) *Credit for previous training.* For regulations governing the crediting of training received in the junior division on the courses of senior division units, see § 62.22 (i). Students who have received previous military training in another junior division unit will receive such credit as the professor of military science and tactics and the head of the institution may jointly determine.

(Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Pars. 58 and 60, A.R. 145-10, May 28, 1931, as amended by Cir. 26, W.D., 1940]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 40-1096; Filed, March 15, 1940;  
2:33 p. m.]

## CHAPTER VII—PERSONNEL

### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

#### APPOINTMENT OF SECOND LIEUTENANTS, REG- ULAR ARMY, IN THE INFANTRY, CAVALRY, FIELD ARTILLERY, AND COAST ARTILLERY CORPS FROM GROUPS 2 AND 5<sup>1</sup>

§ 73.101 *Announcement of examination.* Under the provisions of section 24e, National Defense Act, as amended by section 7 of the act approved April 3, 1939 (53 Stat. 555), examinations of applicants for appointment as second lieutenants in the Infantry, Cavalry, Field Artillery and Coast Artillery Corps, in accordance with the provisions of A.R. 605-5, and special conditions hereinafter set forth, will be held provided that funds are made available under War Department appropriations, as follows:

(a) Preliminary examinations will be completed not later than June 15, 1940.

(b) Final examinations will be completed August 3, 1940.

(c) Selected candidates will be commissioned about October 1, 1940.\*† [Par. 2]

§ 73.102 *Grades and arms.* Insofar as this examination is concerned, the appointments to be made under this authority will be limited to the filling of eleven vacancies in the Infantry, Cavalry, Field Artillery, and Coast Artillery

<sup>1</sup> §§ 73.101 to 73.116, inclusive, are superseded.

\*§§ 73.101 to 73.116, inclusive, issued under the authority contained in sec. 7, 53 Stat. 555.

†The source of §§ 73.101 to 73.116, inclusive, is A.R. 605-8, W.D., Mar. 8, 1940.

Corps, Regular Army, for the fiscal year 1941.\*† [Par. 3]

§ 73.103 *General information relative to appointments.* The general plan to be followed in making appointments will be as prescribed in paragraph 4, A.R. 605-5, except as follows:

(a) Warrant officers and enlisted men who qualify will not be commissioned ahead of all other applicants examined at the same time but will be given the same consideration as other qualified applicants. All selections for appointment will be made as provided in § 73.112.

(b) The final examination consists of a written examination in educational and military subjects, a moral and general fitness test, and a physical examination which will be the same for all arms. In some cases exemption from all, or a part, of the examination in educational subjects may be granted. No exemptions from military subjects will be granted.\*† [Par. 4]

§ 73.104 *Eligibility for appointment.*

(a) In addition to the requirements contained in section II, A.R. 605-5, candidates must be single and not previously married. Candidates who have failed in two written examinations for appointment in the Regular Army are ineligible to compete in subsequent examinations.

(b) Attention is particularly invited to paragraph 10, A.R. 605-5, which reads as follows: An applicant who has been a cadet at the United States Military Academy is not eligible for appointment ahead of his class, and any such applicant who was dismissed from the Military Academy for hazing will not be eligible for appointment as an officer until two years after the graduation of the class of which he was a member.\*† [Par. 5]

§ 73.105 *Applications.* Candidates will submit applications in accordance with section III, A. R. 605-5, not later than May 25, 1940. These applications will be accompanied by a recent photograph approximately 3 by 5 inches in size. Each applicant will be required to confine his preferences to the arms in which appointments are to be made as a result of the examination, and should name the four arms in order of preference on W.D., A.G.O. Form No. 62 (Application for Commission in the Regular Army).\*† [Par. 6]

§ 73.106 *Preliminary examination.* This examination will be conducted in accordance with the provisions of section IV, A.R. 605-5, except the medical member, if there is one, will not be excused from further participation in the proceedings of the board until completion of the determination as to moral character and general fitness.\*† [Par. 7]

§ 73.107 *Final examination.* This examination will be conducted in accordance with section V, A.R. 605-5, except as provided below:

(a) The examination for moral character and general fitness will be con-



ducted by the entire board. The board will rate each candidate as indicated on the General Fitness Report which will be furnished to corps area commanders for distribution to the examining boards. To qualify in the moral character and general fitness examination for appointment, candidates will be required to attain a rating of satisfactory in moral character and not less than 240 points in the general fitness test.

(b) *Mental examination.* (1) The mental examination is divided into part I, which consists of educational subjects, and part II, which consists of military subjects. Each candidate is required to qualify either by examination or by an approved exemption in six subjects of part I. Each candidate is required to qualify by examination in all subjects of part II. Examinations will be written, and the candidate will certify on each examination paper that he has received or given no unauthorized assistance during the examination. Questions will be prepared and marks awarded by the War Department. Examination in any subject will be taken simultaneously by all candidates before any board. Re-examinations will not be permitted.

(2) *Part I.* Part I of the mental examination is designed to determine whether or not those candidates who are not graduates from a recognized college or university possess the educational requirements of an officer of the Regular Army. To qualify mentally for appointment, all candidates who are required to undergo part I of the examination must attain a general average of 75 percent on the entire part and a grade of not less than 65 percent in each subject. The subjects are divided into three groups as follows:

(i) *Group A.* English rhetoric, composition, and literature.

History of modern Europe or history of the United States (choice of one).

General mathematics.

(ii) *Group B.* Calculus.

Physics.

Chemistry.

Electricity.

Surveying.

Civil engineering.

Mechanical engineering.

(iii) *Group C.* French.

Spanish.

Economics.

Political science.

Examinations must be taken in six different subjects, to be selected in the following manner: Unless exempted, all of group A must be taken with the choice of history indicated in (i) above, and three examinations are to be selected from groups B and C: *Provided*, That one must be selected from group B, one from group C, and the third from either group B or C.

(3) *Part II—(i) General duties of board.* The examination in part I having been completed, the qualifications of the candidate for appointment will be

determined. The final examining board will require the candidate to file suitable evidence of his qualifications, including certified reports from the colleges, universities, schools, or from Reserve Officers' Training Corps units. The board will conduct the special examinations prescribed in this subparagraph.

(ii) *Evidence of qualifications.* Every candidate will be informed that from the evidence submitted by him as required by (i) above, the chief of an arm must determine whether or not the candidate is suitable for appointment in that arm. The burden of submitting satisfactory evidence rests upon the candidate. Reports covering education should show the date of graduation, the courses satisfactorily completed, class standing, and such other information as will express the estimate that proper school authorities have formed of the student and his work. Any special military or civil experience qualifying for any arm should be stated.

(iii) *Infantry, Cavalry, Field Artillery and Coast Artillery Corps.* Each candidate for appointment in these arms will be required to take an examination in each of the subjects listed below. These examinations will be based on the texts prescribed for the 10-series of the Army Extension Courses for the arms indicated above.

Organization of the Army.

Administration.

Military law—the law of military offenses.

Military discipline, courtesies, and customs of the service.

Interior guard duty.

Maps and aerial photograph reading.

Military sanitation and first aid.

(iv) To qualify mentally for appointment, all candidates will be required to attain a grade of not less than 50 percent in every subject in which examined in part II of the examination.

(c) *Exemptions.* (1) An arbitrary grade of 80 percent will be awarded in any subject in which advantage of exemption is taken.

(2) *Part I.* All exemptions from a subject or subjects of part I which are approved by corps area commanders will be recognized by the final board. The following exemptions are authorized:

(i) *From all subjects of part I.* Graduates of or members of the senior class in good standing who will graduate during the current academic year from recognized colleges and universities. The exemptions will be granted only upon submission by the candidate of satisfactory evidence to substantiate the claim.

(ii) *From individual subjects.* Exemption in a subject will be granted to persons who are not college graduates but who have attended a recognized college or university, only on satisfactory evidence from records submitted by the candidate, showing qualification under requirements of that institution in the subjects of part I, from which exemptions are requested.

The burden of submitting satisfactory evidence to substantiate the fulfillment of the conditions in (i) and (ii) above rests upon the candidate and will be submitted by him to the examining board prior to or upon reporting for the preliminary examination. A certified transcript of graduation record and class standing will serve to support condition in (i) above.

(3) *Part II.* No exemptions will be granted.\*† [Par. 8]

§ 73.108 *General scope of subjects of examination—(a) Part I—(1) English rhetoric, composition, and literature.* The examination will require a thorough knowledge of the basic rules of rhetoric and their application, a knowledge of the meaning of words, familiarity with the rules of composition showing the ability to write a clear and well-organized theme, and general knowledge of the principal periods of American and English literature, together with familiarity with the principal writers of each period and their important works. The scope of the examination will be that covered in rhetoric and composition by Wooley and Scott's "College Handbook," or equivalent, and in literature by Long's "English Literature" and Pancoast's "Introduction to American Literature," or equivalents.

(2) *History of modern Europe.* The examination will require a knowledge of facts of modern European history from the Reformation to the present day, and the ability to analyze and interpret outstanding trends and developments—political, social, and economic—in that period. The scope will be that covered by Hayes' "Political and Cultural History of Modern Europe," Vols. I and II, or equivalent.

(3) *History of the United States.* The examination will cover the political, economic, social, and military developments of the United States from 1492 to the present, as presented in Muzzey's "United States of America," Revised Edition, 1933, Vols. I and II, or equivalent.

(4) *General mathematics.* The examination will require a thorough knowledge of algebra as covered by W. L. Hart's "College Algebra" or equivalent, together with a working knowledge of the principles of geometry and trigonometry as covered by Phillips and Fisher's "Elements of Geometry" and W. L. Hart's "Plane Trigonometry," or equivalents.

(5) *Calculus.* The examination will require a knowledge of calculus as covered by Woods and Bailey's "Elementary Calculus," or equivalent.

(6) *Physics.* The examination will require a knowledge of physics as covered by Duff's "College Physics," or equivalent.

(7) *Chemistry.* The scope of this examination will be that of a final examination in this subject given by recognized colleges and technical schools at the end of sophomore or junior years in the scientific courses. The scope will



be as covered in Alexander Smith's "College Chemistry" (Kendall), or equivalent.

(8) *Electricity.* The scope of this examination will be that of a final examination in this subject given by recognized colleges and technical schools at the end of the sophomore or junior years in the scientific courses. The scope of the subject will be as covered by Chester L. Dawes' "Electrical Engineering", Vol. I (Direct Currents), and by the first and second chapters only of Chester L. Dawes' "Electrical Engineering", Vol. II (Single Phase Alternating Currents), or equivalents.

(9) *Surveying.* The examination will cover the principles of plane, geodetic, and aerial photographic surveying and their application, and will require a knowledge of the following:

(i) Instruments, their adjustments and uses.

(ii) Plane surveying to include methods of computing areas of limited boundaries and volumes of irregular shape, and topographic surveying mapping.

(iii) *Geodetic surveying.* Field astronomy, method of determining time latitude, longitude, and azimuth.

Triangulation, field work, computations and adjustments.

Trigonometric and precise spirit leveling.

Projection of maps, especially polyconic projection.

(iv) Aerial surveys.

The examination may include an application of the above knowledge to the solution of problems in which the required forms, formulas, and tables will be furnished the candidate for use during the solution of the problems. The extent of the knowledge required will conform to the contents of Davis, Foote and Rayner's "Surveying, Theory and Practice" (latest edition), or equivalent.

(10) *Civil engineering.* Theory and practice of engineering construction, including buildings, highways, retaining walls, dams, foundations, water-supply and sewerage systems and materials of construction (equivalent to that covered by Mitchell's "Civil Engineering," Baker's "Treatise on Masonry Construction" (tenth edition), Spofford's "Theory of Structures," Merriman's "Elements of Sanitary Engineering," and Johnson's "Materials of Construction").

(11) *Mechanical engineering.* This examination will require a knowledge of—

(i) Advanced mechanics, and

(ii) A knowledge of either—  
Hydraulics, or

Thermodynamics, such as is required in the final examination in each subject as given by recognized colleges and technical schools at the end of the sophomore or junior years, in the scientific courses and as covered by

recognized standard textbooks such as the following:

For advanced mechanics: Seely and Engh's "Analytical Mechanics for Engineers," latest edition; Maurer and Roark's "Technical Mechanics," latest edition; Frank L. Brown's "Engineering Mechanics," latest edition.

For hydraulics: Russell's "Textbook on Hydraulics," latest edition; Daugherty's "Hydraulics," latest edition; Kind and Wisler's "Hydraulics," latest edition; Hughes and Safford's "Hydraulics," latest edition; Schoder and Dawson's "Hydraulics," latest edition.

For thermodynamics: Moyer, Calderwood and Potter's "Elements of Engineering Thermodynamics," latest edition; William D. Ennis' "Thermodynamics Abridged," latest edition; V. W. and G. A. Young's "Elementary Engineering Thermodynamics," latest edition.

(12) *French.* The examination will require a knowledge of vocabulary, verb, grammar, composition, and idiomatic expression as covered in Morrison and Gauthier's "A French Grammar" and Martin and Russell's "At West Point" or any other recognized textbooks of similar scope of the grammar and composition of the French language.

(13) *Spanish.* The examination will require a knowledge of vocabulary, verb, grammar, composition, and idiomatic expression as covered in Torres' "Essentials of Spanish" and Seymour and Carnahan's "Short Spanish Review Grammar" or any other recognized textbooks of similar scope of the grammar and composition of the Spanish language.

(14) *Economics.* The scope of this examination will be equivalent to that given as a final examination in recognized colleges at the end of a year's course in elementary economics, including—

(i) The economic organization of modern society, with special reference to the United States.

(ii) A consideration of the part which money and credit play in the operation of this organization. Textbooks: Fairchild, Purniss, and Buck's "Elementary Economics," or equivalent.

(15) *Political science.* The scope of this examination will cover a survey of—

(i) Political forms from the prehistoric era to the present.

(ii) Political systems extant today.

(iii) An analysis of the organization and operation of Government in the United States. The scope will be that covered by Maxey's "The American Problem of Government," or equivalent.

(b) *Part II.* Subjects for candidates for appointment in the Infantry, Cavalry, Field Artillery and Coast Artillery Corps, are as follows:

(1) *Organization of the Army.* The scope of the examination will be similar

to that covered in Subcourse 10-1 (Common Subcourse No. 17) (Text 627). It includes general information about the composition of the Army of the United States and its territorial organization in peace and war; the general features of division, corps, and field army organization; a general picture of the military system of command and staff.

(2) *Administration.* The scope of the examination will be similar to that covered in Subcourse 10-3 (Common Subcourse No. 1) (Text 401). It includes company administration to include military correspondence; penalty envelopes and labels; use of the mails; and daily company reports.

(3) *Military Law<sup>1</sup>—The law of military offenses.* The scope of the examination will be similar to that covered in Subcourse 10-4 (Common Subcourse No. 14) (Texts 371 and 421). It includes the elementary principles of criminal law with particular reference to the crimes and offenses denounced by the punitive Articles of War.

(4) *Military discipline, courtesies, and customs of the service.* The scope of the examination will be similar to that covered in Subcourse 10-5 (Common Subcourse No. 12) (Texts 127 and 418). It includes the essentials of military discipline, courtesies, and customs of the service.

(5) *Interior guard duty.* The scope of the examination will be similar to that covered in Subcourse 10-6 (Common Subcourse No. 10) (Text 717). It includes the duties of officers in the conduct of an interior guard.

(6) *Map and aerial photograph reading.* The scope of the examination will be similar to that covered in Subcourse 10-7 (Common Subcourse No. 11) (Texts 715, 919, 978, 986, and 1011). It includes, in map reading, orientation; direction; distances, vertical and horizontal; slope; visibility; conventional signs; and coordinates of maps; and in aerial photograph reading, elementary interpretation; orientation; scales, distances; and the appearance of natural and artificial features in aerial photographs.

(7) *Military sanitation and first aid.* The scope of the examination will be similar to that covered in Subcourse 10-8 (Common Subcourse No. 15) (Text 419). It includes elementary sanitation with special reference to the protection and maintenance of the health and physical efficiency of personnel; and first-aid procedure.\*† [Par. 9]

§ 73.109 *Qualifying marks required on final examinations.* As prescribed in § 73.107 (a), (b) (2), and (b) (3) (iv).\*† [Par. 10]

§ 73.110 *Preparation of final examinations and correction of examination papers.* Final examinations will be prepared and examination papers will be corrected as follows:

(a) *Part I.* Under direction of the Superintendent, United States Military Academy.



## (b) Part II.

Subject:	Under direction of
Organization of the Army.	Command and General Staff School.
Administration.	The Adjutant General.
Military law.	The Judge Advocate General.
Military discipline, courtesies, and customs of the service.	Chief of Cavalry.
Interior guard duty.	Chief of Infantry.
Map and aerial photograph reading.	Chief of Engineers.
Military sanitation and first aid.	The Surgeon General.

(c) *Physical examination.* Physical examination report will be reviewed by The Surgeon General and recommendation will be made by him in each case as to physical eligibility of candidates.\*† [Par. 11]

§ 73.111 *Weights of parts of examination.* (a) Part I will be given no weight other than to determine whether the candidate has or has not the general education required of an officer in the Regular Army.

(b) The number of points, in weight, allotted to each subject in part II will be as follows for candidates for appointment in the Infantry, Cavalry, Field Artillery, and Coast Artillery Corps.

Subject:	Weight
Organization of the Army	100
Administration	100
Military law	100
Military discipline, courtesies, and customs of the service	100
Interior guard duty	100
Map and aerial photograph reading	100
Military sanitation and first aid	100
Total	700

(c) The number of points, in weight, allotted to each subject in the moral character and general fitness test will be as follows:

(1) *Moral character test.* The moral character test will be given no weight other than to determine whether the candidate is qualified or disqualified morally for appointment in the Regular Army.

(2) *General fitness test.*

Subject:	Weight
Personality	60
Personal appearance	30
Demeanor	10
Voice	10
Bearing	10
Neatness	10
Civil experience	20
Mental alertness	60
Energy	10
Self confidence	10
Dependability	20
Tact	10
Force	30
Leadership	60
Cooperation	20
Knowledge of current problems in United States and abroad	30
Total	400

Unfavorable physical or mental traits in addition to those indicated above which in the opinion of the board, would detract from the value of the candidate to the arm of the military service in which he seeks appointment—maximum deduction permitted by board

\*† [Par. 12]

§ 73.112 *Determination of successful candidates.* Selection of the successful candidates for appointment from among those eligible and qualified morally and physically for appointment will be determined by adding the grade attained on part II of the mental examination to the grade attained on the general fitness test.\*† [Par. 13]

§ 73.113 *Selection, order of merit, recommendations of chiefs of arms, and assignment of appointees.* (a) Examination papers will be marked as indicated in §§ 73.110 and 73.111. Marks having been awarded, the complete examination report on each candidate considered for appointment will be referred to chiefs of arms in which the candidate has expressed a choice for appointment. Each chief of arm will convene a board to consider the complete examination report and any War Department records of the candidate. Based upon such consideration, the chief of the arm will either approve or disapprove appointment in his arm. In case of disapproval, reasons fully establishing the propriety thereof will be stated by the disapproving officer.

(b) Appointees will be selected by a board of officers convened by the War Department for this purpose. The board will be advised of the proportion in which successful candidates are to be distributed to the arms. Governed by the order of merit as determined by marks awarded on the examination and by the recommendations of the chiefs of arms, assignments to arms will be made within the prescribed distribution, so far as practicable, in accordance with the first choice of candidates and special qualification for particular arms.\*† [Par. 14]

§ 73.114 *Selection board.* (a) A selection board to consist of one officer of the Adjutant General's Department and two other officers to be drawn by lot from the Infantry, Cavalry, Field Artillery, and Coast Artillery Corps, will be appointed by War Department confidential orders. (b) There will be transmitted to this board—

(1) Original application of candidate.  
(2) Reports of preliminary and final examining boards, including—

(i) Evidence of exemption from part I, if candidate has been exempted.

(ii) Reports of physical examination.

(3) Marked examination papers.

(4) Recommendation of The Surgeon General as to physical qualification of candidates.

(5) Reports on moral and general fitness tests as provided for elsewhere.

(6) Recommendations of chiefs of arms concerned.

(c) The board will select the successful candidates in accordance with the provisions of these regulations and will forward its report in quadruplicate to the War Department. The report will include the lists provided for in § 73.115.\*† [Par. 15]

§ 73.115 *Lists of selected and rejected candidates; order on promotion list.* (a) Selections having been completed, the selection board will prepare lists of selected and rejected candidates as follows:

(1) Selected candidates by arm in order of relative merit based on general fitness rating and standing on part II of the final examination.

(2) Rejected candidates in the various categories grouped as to cause for rejection.

(3) List of candidates who, while otherwise qualified, must be rejected because of lack of vacancies for appointment. This list will group the individuals by arm and service, showing for each candidate his relative position in accordance with his figure of merit.

(b) In the case of each rejected candidate, the specific reason for rejection will be stated.

(c) Appointees will be placed on the promotion list in order of merit based on general fitness rating and standing on part II of the final examination.\*† [Par. 16]

§ 73.116 *Appointment; notification of rejection.* When the selecting board has completed its duties, appointments will be tendered and rejected applicants will be notified of rejection. Prior to such notification, no information will be given concerning candidates under consideration. Appointees will be given a reasonable time to accept appointments.\*† [Par. 17]

[SEAL]

E. S. ADAMS,  
Major General,  
Adjutant General.

[F. R. Doc. 40-1097; Filed, March 15, 1940; 2:33 p. m.]

## CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

### PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS<sup>1</sup>

#### § 81.10 *Invitations for bids*

(f) *Special conditions authorized or required to be included*

(11) *Special purchasing procedure for arms, ammunition, and implements of war.* In conformity with paragraph (a) (9) above, invitations for bids in applicable cases will contain the following special condition:

Only such bidders as have complied with the provisions of the Joint Resolution of November 4, 1939 (Pub. Res., No. 54, 76th Cong.), and rules and regulations thereunder, if applicable, will be eligible to enter into a contract with the Government on the basis of bids received in response to this invitation. Accordingly, it will be required that all bids be accompanied by a certificate of the bidder that the requirements of said Resolution and

<sup>1</sup> Section 81.10 (f) (11) is superseded.



rules and regulations thereunder have been complied with, or will be complied with, if an award is made to him, or that said Resolution and rules and regulations thereunder are not applicable to him for the reason that he is a purely domestic dealer not engaged in the business of manufacturing, exporting, or importing such arms, ammunition, and implements of war. Further, any such bidder so required to register, to whom an award is made (conditioned thereupon) will be required to furnish, contemporaneously with the execution of the contract, a copy of his certificate of registration, certified to by him as being a true copy. (R.S. 3709; 41 U.S.C. 5; 31 Stat. 905; 10 U.S.C. 1201) [Par. 4a, Proc. Cir. No. 6, W.D., Mar. 8, 1940]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 40-1111; Filed, March 16, 1940;  
11:43 a. m.]

## TITLE 24—HOUSING CREDIT

### CHAPTER IV—HOME OWNERS' LOAN CORPORATION

#### PART 403—PROPERTY MANAGEMENT

##### PROPERTY COMMITTEE FUNCTIONS

Section 403.02 is added, reading as follows:

§ 403.02 *Property committee.* The Property Committee is a part of the Home Office organization of the Property Management Division. It consists of three members appointed by the Board of Directors, one of whom is designated by the Board as Chairman of the Committee. The concurrence of two members of the Committee shall be sufficient to decide any question that may be presented. The Deputy General Manager in Charge may appeal to the Board from any decision of the Committee. The functions of the Property Committee shall be (Effective date November 1, 1937):

(a) To review all cases where it is recommended by the Regional Manager or the Regional Property Committee that the property be sold at an amount which represents a loss to the Corporation in excess of 35%, based on ledger value, plus accrued and unpaid charges against the property and the commission of the broker, provided the minimum sales price recommended exceeds \$1,000, and to render a decision as to whether the property is to be offered for immediate sale or rental and set a minimum sales price for each such property. Once a minimum sales price has been fixed, the Regional Manager shall revise such price pursuant to § 403.10 unless the Regional Property Committee or the Home Office Property Committee has directed otherwise when it established the minimum sales price. (Effective date September 1, 1939)

(b) To review and render decisions with regard to all cases which the Re-

gional Property Committee may deem it advisable to submit or which may be submitted by the Regional Manager or a Field Representative of the Property Management Division as an appeal from the decision of the Regional Property Committee. (Effective date November 1, 1937)

(c) To review and render decisions in all cases where the amount to be authorized for reconditioning, repairs or purchases of equipment and supplies

(1) Exceeds 50% of the latest valuation of the property in its then condition prior to reconditioning, placed on the property by the Property Management Division.

(2) Exceeds \$1,500.

(3) Exceeds \$100, provided the expenditure is to be capitalized and is not due to an insurance loss, and further provided that it appears from the latest quarterly report of the Accounting Section received by the Regional, State or District Manager that the cumulative amount of disbursements capitalized for repairs, reconditioning and the purchase of equipment and supplies on the property subsequent to date of acquisition, when added to the amount to be authorized, exceeds \$1,500. (Effective date April 1, 1940)

(d) To review and render decisions with regard to all leases other than (1) month-to-month tenancies, (2) leases on Corporation-owned properties for not longer than one year which by their terms permit their cancellation by the Corporation upon not more than one month's notice in event of sale of any of the property leased, and (3) leases for periods not exceeding two years where the Deputy General Manager in Charge has generally or specially authorized the Regional Manager to effect such leases in behalf of the Corporation. (Effective date September 1, 1939)

(e) To review and render decisions in cases where the Regional Manager or the Regional Property Committee recommends demolition in whole or in part.

(f) To review and render decisions in all cases where it is recommended by the Regional Manager that an offer be accepted from the owner of a property on which the Corporation holds a mortgage or other approved security instrument, to exchange such property for property acquired by the Corporation.

(g) To review and render decisions with regard to any other matters which the Manual of Rules and Regulations requires to be submitted to the Property Committee.

(h) To review and render decisions with regard to any other matters pertaining to the functions of the Property Management Division which the General Manager or the Deputy General Manager in Charge may deem advisable to submit. (Effective date November 1, 1937)

(i) To review all cases where the Regional Manager recommends the approval of the purchase by any officer or employee of the Corporation from a

home owner of property on which the Corporation holds a mortgage or other security instrument, or where the Regional Manager recommends the sale of a property owned by the Corporation, directly or indirectly, to any officer or employee of the Corporation or to any individual approved by the Corporation to perform services on a fee basis, or to the spouse or close relative of any such person, and to submit such cases with its recommendations to the General Manager who, after review, will submit them together with his recommendations to the Board for final action. (Effective date June 9, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on October 5, 1937, June 9, 1939, August 16, 1939, and January 22, 1940.

[SEAL]

J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-1101; Filed, March 15, 1940;  
3:37 p. m.]

#### PART 403—PROPERTY MANAGEMENT

##### SALES TO CLOSE RELATIVES, PARTNERS, OFFICERS AND EMPLOYEES OF BROKERS

Section 403.02 is amended by changing the sub-division thereof identified as (i) to read as follows:

(i) To review all cases—

(1) Where the Regional Manager recommends the approval of the purchase by any officer or employee of the Corporation from a home owner of property on which the Corporation holds a mortgage or other security instrument;

(2) Where the Regional Manager recommends the sale of a property owned by the Corporation, directly or indirectly, to

(a) Any officer or employee of the Corporation or to any individual approved by the Corporation to perform services on a fee basis, or to the spouse or close relative of any such person,

(b) The partner, officer or employee of any Contract Sales Broker, Contract Management Broker, or Approved Sales Broker of the Corporation,

(c) The spouse or close relative of the partner of any such broker,

(d) The close relative of any such broker operating as an individual,

(e) Any such broker or his spouse who is a former borrower as defined in Section 403.10.

And to submit all such cases with its recommendations to the General Manager who, after review, will submit them, together with his recommendations, to the Board for final action. Where any purchaser from the Corporation referred to in this Sub-Division (i)



is also a former borrower as defined in Section 403.10 the sales price requirements of said Section 403.10 shall apply. (Effective date March 15, 1940)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on February 21, 1940.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-1100; Filed, March 15, 1940;  
3:37 p. m.]

#### PART 403—PROPERTY MANAGEMENT

##### PLANS AND TERMS OF SALE

Section 403.10 is added, reading as follows:

§ 403.10 *Plans and terms of sale.* The General Manager, with the approval of the General Counsel, is authorized to determine the plans of sale of real properties under the jurisdiction of the Property Management Division and of any leasehold or other interests therein. The General Manager is authorized to determine the terms of payment for the sale of such properties or interests therein: *Provided, however,* That in no event shall the term of repayment under any mortgage or other security instrument or installment or like contract exceed fifteen years from the date of delivery of the deed or of such contract. The General Manager is authorized to dispose of any personal property, or any right or interest therein, acquired by the Corporation and under the jurisdiction of the Property Management Division, in such manner and for such consideration as he may determine. The authority herein vested in the General Manager may be exercised also by the Regional Manager and the State Manager, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel. (Effective date October 16, 1939)

The Regional Manager shall have authority to effect sales of real properties under the jurisdiction of the Division and of any leasehold or other interests therein at or above the minimum sales price which shall be fixed in accordance with established procedure. Once a minimum sales price has been fixed in accordance with established procedure such price need not be revised by reason of subsequently authorized expenditures for reconditioning or other purposes unless such expenditures in the opinion of the Regional, State or District Manager authorizing them enhance the value of the property. In cases where the value of the property is enhanced the officer authorizing the expenditure shall report to the Regional Manager his estimate of the extent of such enhancement and the new minimum sales price shall then be

established by the Regional Manager. In those cases where the Home Office or Regional Property Committee has not established a minimum sales price for the property "as is" but has established such a price "as reconditioned" in accordance with a specific reconditioning program, the Regional Manager may determine to hold the property "as is" or to proceed only with limited repairs. In such cases he is authorized to reduce the minimum sales price set by such Property Committee by such amount as, in his opinion, is appropriate but in no event by an amount in excess of the estimated cost of reconditioning items which he determines should not be performed. The authority granted to the Regional Manager in this paragraph shall not be exercised in any case where the Home Office or Regional Property Committee has directed otherwise. (Effective date August 15, 1939)

The Corporation shall not sell its acquired property either directly or indirectly to any officer or employee of the Corporation or to any individual approved by the Corporation to perform services on a fee basis, or to the spouse or close relative of any such person unless and until the transaction has been submitted to the Property Committee in Washington as provided in § 403.02, Sub-Division (i), provided, however, that the Corporation shall not sell any such property to any Contract Sales Broker, Contract Management Broker, or Approved Sales Broker of the Corporation. (Effective date June 9, 1939)

When the Corporation has contracted to sell real estate and the contract purchaser has deposited funds with the Corporation in connection with such contract and the sale fails of consummation, or prior to the closing of the sale the purchaser requests to be relieved of his obligations under the agreement for the sale of real estate and requests the return of his deposit or of a portion thereof, then the Regional Manager, after obtaining the advice of the Regional Counsel as to the legal rights or obligations of the Corporation in the matter, may authorize the refund of such deposit or any portion thereof and may also authorize reimbursement of the contract purchaser for any expenses incurred by him in connection with the transaction, when in the judgment of the Regional Manager such refund or reimbursement is in the best interest of the Corporation. (Effective date February 1, 1939)

Effective October 1, 1939, and until otherwise directed by the Board, interest on obligations taken for the unpaid balance of the purchase price in connection with the sale of real property, or of any interest therein, shall be charged at the rate of 4½% per annum. The purchaser shall agree in form satisfactory to the Corporation that in addition to his payments of principal and interest he will also pay to the Corporation at such time and in such manner as may be provided in such agreement a sum sufficient to en-

able the Corporation to pay his annual taxes, assessments, insurance premiums, ground rents and other charges upon the real property or interest therein securing his indebtedness to the Corporation. The General Manager with the approval of the General Counsel is authorized to prescribe procedure to carry out the provisions of this paragraph. (Effective date October 1, 1939.)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-1102; Filed, March 15, 1940;  
3:38 p. m.]

#### PART 403—PROPERTY MANAGEMENT

##### CONTRACTS AS TO CLASSES OF PERSONS WHO MAY PURCHASE PROPERTY

Section 403.10 is amended by changing the third paragraph thereof to read as follows:

The following restrictions are made with respect to the sale by the Corporation of its properties directly or indirectly to the following persons or classes of persons:

(a) Unless authorized by the General Manager in the particular case, a sale to the former borrower or his spouse shall be made only at a price equal to ledger value, including an amount equivalent to interest accrued subsequent to the transfer of the property to the "in process of acquiring title" status up to date of sale, plus expenditures for credit reports, appraisal and reconditioning inspection fees and other inspection fees which have been charged to a Home Office Control Account, while the property was under the jurisdiction of the Property Management Division, plus any accrued and unpaid charges against the property, except those the payment of which are to be assumed by the purchaser. The words "former borrower", as used herein, mean and include any person who at any time was legally obligated to pay the mortgage indebtedness owing to the Corporation and any owner of the property at the time foreclosure of the Corporation's loan thereon was authorized, excepting the owner or owners of the fee simple title to such property where the Corporation's loan was secured by a leasehold interest only. A written statement of the status of the prospective purchasers as former borrowers, in form prescribed by the Corporation and signed by one or more of such purchasers, may be relied upon in determining whether any of such purchasers are former borrowers as defined in this paragraph, unless information to the contrary is contained in the Property Management docket or is known to any Corporation official who determines that the offer to purchase should be accepted



or who executes the agreement for sale on behalf of the Corporation.

(b) A sale by the Corporation of its property to any purchaser where the sale is required to be approved by the Board as provided in § 403.02, Sub-Division (i), shall be subject to the sales price requirements of Paragraph (a) hereof, if such purchaser is a former borrower as defined in said Paragraph (a).

(c) A sale shall not be made to any Contract Sales Broker, Contract Management Broker, or approved Sales Broker of the Corporation or to the spouse of any such broker unless such broker or his spouse with respect to the property to be sold was a former borrower as classified in Paragraph (a) hereof, in which event such property may be sold to such broker or his spouse at the price provided in Paragraph (a) hereof. (Effective date March 15, 1940)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on February 21, 1940.

[SEAL]

J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-1103; Filed, March 15, 1940;  
3:39 p. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bureau of Reclamation.

[No. 37]

#### KLAMATH IRRIGATION PROJECT

#### PUBLIC NOTICE OF ANNUAL WATER CHARGES<sup>1</sup>

FEBRUARY 29, 1940.

1. *Operation and maintenance charges.* The annual operation and maintenance charge for the irrigation season of 1940, and thereafter until further notice, against all lands of the Main Division lying outside of the Klamath Irrigation District shall be a minimum charge of one dollar and twenty cents (\$1.20) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished at the rate of fifty cents (\$0.50) per acre-foot.

2. The annual operation and maintenance charge for the irrigation season of 1940, and thereafter until further notice, against all lands of the Tule Lake Division remaining subject to public notice of September 29, 1922, lying outside of the Klamath Irrigation District, shall be a minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-

half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at the rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

3. The annual operation and maintenance charges for the irrigation season of 1940, and thereafter until further notice, against all lands under district or individual Warren Act contracts, shall be a minimum charge of sixty-seven cents (\$0.67) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre; provided that for those contracts which have not been amended so as to increase the allowance of water from 2 to 2½ acre-feet per annum, only 2 acre-feet will be furnished under the minimum charge. Additional water will be furnished at the rate of twenty-five cents (\$0.25) per acre-foot.

4. *Water rental charges.* The annual water rental charge for the irrigation season of 1940, and thereafter until further notice, against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, and September 7, 1937, shall be a minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre, whether water is used or not, which will entitle the water users to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre and at the rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

5. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be sixty-five cents (\$0.65) per acre-foot for the season of 1940 and thereafter until further notice.

6. For water furnished lands not subject to the operation and maintenance or water-rental charges named above the charges shall be seventy-five cents (\$0.75) per acre-foot for the season of 1940 and thereafter until further notice.

7. *Time of payment.* For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre stated above will be due and payable one-half before the delivery of water, if water is delivered before July 1, 1940, and one-half on or before July 1, 1940. If no water is delivered before July 1, 1940, then the entire charge shall become due and payable on that date. If the charge, or any part thereof, is unpaid on that date there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of

each month thereafter so long as such default shall continue. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used, and if not paid on or before said due date, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

8. For all other lands referred to herein the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used. On all payments not made on or before the due dates specified herein, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

9. Where water-rental application is made for public land entered under the Reclamation Law after June 15 and where water-rental application is made after August 1 for land in private ownership, no water-rental charge shall be made for water delivered during the remainder of the irrigation season in which water-rental application is made.

A. J. WIRTZ,  
Under Secretary.

[F. R. Doc. 40-1108; Filed, March 16, 1940;  
9:51 a. m.]

#### UNCOMPAHGRE PROJECT, COLORADO

#### ADVERTISEMENT OF LANDS FOR LEASE

MARCH 11, 1940.

1. Sealed proposals will be received at the office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock P. M., April 1, 1940, for the lease for grazing and/or agricultural purposes of all or any tract or tracts of the land shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1940, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept.

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation". No bids of less than 5 cents per acre will be accepted for

<sup>1</sup> Act of June 17, 1902 (32 Stat. 388) as amended or supplemented.



grazing lands, or less than 25 cents per acre for agricultural purposes.

4. If water for irrigation is desired for any of these lands, it may be secured, if available, by arrangement with the Uncompahgre Valley Water Users' Association, at the prevailing charge for other project lands.

5. Those desiring to bid should first consult a copy of lease form 7-523-A-G, on file at the office of the Manager of the Uncompahgre Valley Water Users' Association, at Montrose, Colorado, which lease must be promptly executed by successful bidders before possession of land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree.

6. Envelopes containing bids must be sealed, marked and addressed as follows:

Bids for lease of land, Uncompahgre Project, Colorado, to be opened at 2 P. M., Eastern Standard Time, April 1, 1940.

JOHN C. PAGE,  
Commissioner.

MARCH 13, 1940.

UNCOMPAHGRE PROJECT, COLORADO  
LIST OF LANDS AVAILABLE FOR LEASE

Description:	
T. 48 N., R. 8 W., N. M. P. M., Colorado:	
Sec. 5:	Area in acres
Lot 5	40.00
Lot 6	40.00
Lot 10	40.00
Lot 11	40.00
Lot 12	40.00
Lot 13	40.00
Lot 14	40.00
Sec. 6:	
Lot 8	40.00
Lot 9	40.00
Lot 13	39.97
Lot 14	40.00
Lot 16	40.00
N $\frac{1}{2}$ Lot 17	20.00
Lot 19	40.00
Lot 20	39.87
Lot 21	39.76
Lot 22	39.65
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
Sec. 7:	
Lot 3	39.73
Lot 5	19.80
S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
T. 49 N., R. 8 W., N. M. P. M., Colorado:	
Sec. 19:	
N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Sec. 20:	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
Sec. 21:	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
Sec. 28:	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
Sec. 29:	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00

Sec. 31:		Area in acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	10.00
S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	5.00
N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	5.00
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	5.00
E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	5.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	10.00
Sec. 32:		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	10.00
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	20.00
Sec. 33:		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	20.00
N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	10.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	10.00
T. 48 N., R. 9 W., N. M. P. M., Colorado:		
Sec. 1:		
Lot 15	-----	40.00
Lot 16	-----	40.00
Lot 17	-----	40.00
Lot 18	-----	40.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 11:		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
Sec. 12:		
S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	20.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
Sec. 13:		
S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
Sec. 14:		
Lot 2	-----	28.89
Lot 3	-----	42.85
SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
Sec. 17:		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
Sec. 18:		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	10.00
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	20.00
Sec. 24:		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
T. 49 N., R. 9 W., N. M. P. M., Colorado:		
Sec. 4:		
Lot 2	-----	38.53
Lot 3	-----	38.75
Lot 6	-----	19.18
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
Sec. 5:		
Lot 3	-----	38.89
SE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
Sec. 10:		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$	-----	40.00
Sec. 25:		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
T. 50 N., R. 9 W., N. M. P. M., Colorado:		
Sec. 6:		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00

Sec. 7:		Area in acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	10.00
E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	10.00
Sec. 16:		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
Sec. 17:		
E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 18:		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
Sec. 19:		
Lot 4	-----	35.97
Sec. 20:		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 21:		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
Sec. 28:		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 33:		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
T. 51 N., R. 9 W., N. M. P. M., Colorado:		
Sec. 30:		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	20.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 31:		
E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
T. 48 N., R. 10 W., N. M. P. M., Colorado:		
Sec. 6:		
S $\frac{1}{2}$ Lot 9	-----	20.00
S $\frac{1}{2}$ Lot 10	-----	20.00
Lot 22	-----	11.86
Lot 23	-----	23.85
Sec. 13:		
W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	10.00
T. 49 N., R. 10 W., N. M. P. M., Colorado:		
Sec. 6:		
W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	-----	20.00
Lot 9	-----	19.86
Lot 3	-----	39.55
W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	20.00
Sec. 9:		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 21:		
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	20.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	10.00
Sec. 32:		
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	10.00
W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	20.00
T. 50 N., R. 10 W., N. M. P. M., Colorado:		
Sec. 3:		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	-----	40.00
Sec. 13:		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	-----	40.00
Sec. 19:		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
Sec. 23:		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	-----	40.00
Sec. 24:		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	-----	40.00
T. 51 N., R. 10 W., N. M. P. M., Colorado:		
Sec. 9:		
Lot 1	-----	49.10



Sec. 10:	Area in acres	Sec. 35:	Area in acres	Area in acres
Lot 1	50.67	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.00	40.00
Lot 2	50.22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	40.00
Sec. 11:		Sec. 36:		
Lot 1	52.31	S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.00	
Lot 2	51.87	S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.00	
Lot 3	51.42	T. 51 N., R. 11 W., N. M. P. M., Colo-		
Lot 4	50.98	rado:		
Sec. 14:		Sec. 7:		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Lot 1	45.04	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Lot 5	22.49	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Lot 6	22.47	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Sec. 8:		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Lot 2	44.81	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Lot 3	44.82	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Lot 4	44.83	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Sec. 16:		
Sec. 15:		NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	Sec. 17:		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	T. 15 S., R. 94 W., 6th P. M., Colo-		
Sec. 16:		rado:		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Sec. 5:		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Sec. 6:		
Sec. 21:		SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Sec. 7:		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Sec. 8:		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
Sec. 22:		Sec. 17:		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
Sec. 23:		SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
Sec. 24:		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	Sec. 19:		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Lot 4	41.32	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
Sec. 25:		SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	20.00	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.00	Sec. 20:		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.00	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
Sec. 26:		NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	Sec. 21:		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
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SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	Sec. 30:		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	Lot 2	40.95	
Sec. 27:		Lot 3	40.73	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	Sec. 31:		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
Sec. 33:		NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	T. 15 S., R. 95 W., 6th P. M., Colo-		
Sec. 34:		rado:		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	Sec. 13:		
Sec. 35:		W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.00	
Sec. 36:		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.00	Sec. 14:		
N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.00	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
T. 50 N., R. 11 W., N. M. P. M., Colo-		SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	
rado:		SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
Sec. 5:		Sec. 15:		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00	Sec. 21:		
Sec. 8:		NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
Sec. 22:		Sec. 22:		
S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$	40.00	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	

[F. R. Doc. 40-1109; Filed, March 16, 1940;  
9:51 a. m.]

# DEPARTMENT OF AGRICULTURE.

## Division of Marketing and Marketing Agreements.

[Docket No. A-132 O-132]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN THE STATE OF CALIFORNIA

Whereas pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), notice of hearing is required in connection with a proposed marketing agreement, a proposed order, or proposed amendments thereto, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") executed a marketing agreement and issued an



order<sup>1</sup> on May 24, 1939, effective on and after May 29, 1939, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California; and

Whereas the Secretary has reason to believe that the execution of certain amendments to the marketing agreement and the issuance of certain amendments to the order will tend to effectuate the declared policy of the act with respect to the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California:

Now, therefore, pursuant to the said act and the said general regulations, notice is hereby given of a hearing to be held on certain proposed amendments to the marketing agreement and certain proposed amendments to the order regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California in the office of the Control Committee established under the said marketing agreement and order, 1910 Eye Street, Sacramento, California, at 9:30 a. m., P. s. t., on March 27, 1940.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which, in order to effectuate the declared policy of the act, may necessitate said amendments to the aforesaid marketing agreement and order and as to the specific provisions which said proposed amendments to the marketing agreement and order should contain.

The proposed amendments to the marketing agreement and order provide, in similar terms, for clarification of present provisions and, among other changes, for: (1) altering the method of voting for, and qualification of, committee members; (2) additional compensation of grower members of committees; (3) delegation to a manager of certain duties of the Control Committee; (4) further regulation of certain unfair trade practices and unfair methods of competition; (5) modification of daily shipment regulations; (6) reporting of price information by shippers; (7) removal of Secretary's approval of certain actions by committees; (8) modification of the provisions with respect to reports of handlers; and (9) elimination of joint action by trustees after termination.

Copies of the said proposed amendments to the marketing agreement and proposed amendments to the order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310 South Building, or may be there inspected.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

Dated, March 16, 1940.

[F. R. Doc. 40-1113; Filed, March 18, 1940; 10:44 a. m.]

<sup>1</sup> 4 F. R. 2135.

## DEPARTMENT OF LABOR.

### Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CHEMICAL AND RELATED PRODUCTS INDUSTRY

#### NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m., on Thursday, April 11, 1940, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wages in the Chemical and Related Products Industry. The Chemical and Related Products Industry is that industry which manufactures A. (1) heavy, industrial, and fine chemicals, including, among others, compressed and liquefied gases, and insecticides and fungicides, and (2) the by-products of the foregoing; and B. the manufacture of such commodities as: bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations (except paint and varnish remover, furniture and floor wax and polish, and soap); mucilage, paste, and other adhesives. Omitted from the scope of the definition of this industry are: Ammunition; Drugs and Medicines; Explosives; Fertilizers; Fireworks; Paints, pigments and varnishes; and Soap, which have been accorded separate treatment.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

- (1) Name of firm.
- (2) Plant address.
- (3) Total number of employees in plant.
- (4) Number of male employees.
- (5) Number of female employees.
- (6) Classification of employees by occupations, including number engaged in each operation.
- (7) Hourly wages in each operation with designation of applicable time period.
- (8) If paid on piece work basis, weekly earnings in each class of employees.
- (9) Hours worked per week.

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representa-

tives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

[SEAL]

L. METCALFE WALLING,  
Administrator.

Dated, March 14, 1940.

[F. R. Doc. 40-1112; Filed, March 18, 1940; 10:39 a. m.]

### Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE SPRING FRESHET DRIVING OF LUMBER (OUTSIDE THE NORTHEASTERN AND LAKE STATES) FROM THE MAXIMUM HOURS PROVISIONS

Whereas H. C. Oliver of Helena, Arkansas and sundry other parties, have filed applications with the Administrator of the Wage and Hour Division, United States Department of Labor for a determination that the spring freshet driving of lumber is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder, and

Whereas the Administrator has determined that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York, Vermont, Michigan, Minnesota, and Wisconsin is entitled to the seasonal exemption provided in section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder, and

Whereas it appears from the applications filed by H. C. Oliver and sundry other parties and upon further investigation that spring freshet driving elsewhere is similar in all material respects to spring freshet driving in the above-listed States.

Now, therefore, upon consideration of the facts above set forth, the Administrator hereby determines, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the branch of the lumber industry which is engaged in spring freshet driving in the United States.

In accordance with the procedure established by § 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case.

The application and the report of the investigation made thereon may be ex-



aminated at Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 7th day of March 1940.

PHILIP B. FLEMING,  
Colonel, Corps of Engineers,  
Administrator.

[F. R. Doc. 40-1099; Filed, March 15, 1940;  
2:44 p. m.]

**IN THE MATTER OF APPLICATION FOR THE  
EXEMPTION OF THE CLEANING AND PROC-  
ESSING OF REDTOP SEED FROM THE MAX-  
IMUM HOURS PROVISIONS**

Whereas application was filed by the Shultz Seed Company of Olney, Illinois, for the exemption of the cleaning and processing of Redtop seed from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder, and

Whereas the Administrator published a preliminary determination in the FEDERAL REGISTER of February 21, 1940 (5 F.R. 729), pursuant to § 526.5 (b) (ii) of the Regulations, that a *prima facie* case was shown by the application for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the cleaning and processing of Redtop seed, and

Whereas, no objection or request for hearing was received by the Administrator within the fifteen days following the publication of said preliminary determination;

Now, therefore, pursuant to § 526.5 (b) (ii) of the Regulations, the Administrator hereby finds upon the *prima facie* case shown in the said application that the cleaning and processing of Redtop seed is a seasonal industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 14th day of March 1940.

PHILIP B. FLEMING,  
Colonel, Corps of Engineers,  
Administrator.

[F. R. Doc. 40-1098; Filed, March 15, 1940;  
2:44 p. m.]

**NOTICE OF HEARING WITH RESPECT TO THE  
DEFINITION OF THE TERMS "EXECUTIVE,  
ADMINISTRATIVE, PROFESSIONAL \* \* \*  
OUTSIDE SALESMAN" AS THEY AFFECT  
EMPLOYEES IN THE WHOLESALE DIS-  
TRIBUTIVE TRADES**

Whereas, section 13 (a) (1) of the Fair Labor Standards Act provides that the provisions of section 6 and section 7 of the Act shall not apply to any employee "employed in a bona fide executive, ad-

ministrative, professional \* \* \* capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator);" and

Whereas, the Administrator of the Wage and Hour Division, on October 20, 1938, issued Title 29, Chapter V, Part 541, entitled Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060); and

Whereas, applications have been filed pursuant to § 541.5 of the said regulations for amendment of §§ 541.1, 541.2, and 541.4 of the said regulations defining and delimiting the terms "executive, administrative, professional, \* \* \* and \* \* \* outside salesman," by the Council of National Wholesale Associations and sundry other parties, with respect to the wholesale distributive trades:

Now, therefore, notice is hereby given of a public hearing to be held pursuant to § 541.5 of the said regulations on April 10, 1940, at 10:00 A.M. at the Hall of Nations Room, Washington Hotel, 15th and Pennsylvania Avenue, NW., Washington, D. C., before Harold Stein, the presiding officer hereby designated, at which interested parties will be heard on the following question:

What, if any, amendments should be made to §§ 541.1, 541.2 and 541.4 of regulations issued under section 13 (a) (1) of the Fair Labor Standards Act of 1933 defining and delimiting the terms "executive, administrative, professional, \* \* \* and \* \* \* outside salesman," with respect to the wholesale distributive trades.

Any person interested in proposing or opposing any amendment to the regulations and wishing to be heard shall file not later than April 3, 1940, a notice of intention to appear, which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.
3. The branch of the wholesale distributive trades in which he is interested.
4. Whether such person proposes to appear in support of or in opposition to any amendment of the regulations.
5. If he proposes to appear in support of an amendment, the terms of the suggested amendment.
6. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. All notices including terms of proposed amendments will be

13 F.R. 2518.

placed on file upon receipt in Room 313, 939 D Street NW., Washington, D. C., where they may be examined by any interested person.

Written statements may be filed in lieu of personal appearances, if filed not later than April 3, 1940.

As used in this Notice of Hearing the term "wholesale distributive trades" shall include: wholesale merchants, including limited function as well as full service wholesalers, jobbers, voluntary group wholesalers, exporters, importers, industrial distributors, cash and carry and mail order wholesalers, retail-cooperative warehouses, manufacturers' sales branches and offices, with and without stocks, chain store warehouses and buying offices, commission merchants, brokers, export and import agents, sales and purchasing agents, and manufacturers' agents; and other related types of wholesalers.

Signed at Washington, D. C., this 15 day of March 1940.

PHILIP B. FLEMING,  
Colonel, Corps of Engineers,  
Administrator.

[F. R. Doc. 40-1110; Filed, March 16, 1940;  
11:08 a. m.]

**NOTICE OF ORAL ARGUMENT IN REVIEW OF  
DETERMINATION AND ORDER RE EMPLOY-  
MENT OF LEARNERS IN THE KNITTED  
WEAR INDUSTRY AT WAGES LOWER THAN  
THE MINIMUM WAGE**

Whereas on the basis of petitions filed by the Underwear Institute and the National Knitted Outerwear Association, the Administrator on November 28, 1939, caused to be published in the FEDERAL REGISTER (4 F.R. 4706) a notice granting review of the Determination and Order re Employment of Learners in the Knitted Wear Industry at Wages Lower than the Minimum Wage Applicable under Section 6 of the Fair Labor Standards Act of 1938, and, later, at the request of the petitioners, by notices in the FEDERAL REGISTER, extended the time for filing review briefs to February 15, 1940, for original briefs and to February 24, 1940, for rebuttal briefs, and

Whereas the Underwear Institute has requested an opportunity to present oral argument to the Administrator, and

Whereas it appears advisable to allow oral argument in this case because of the issues involved,

Now, therefore, the request for oral argument is granted and notice is hereby given that pursuant to the provisions of § 522.13 of the Regulations of the Wage and Hour Division (Part 522—Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Chapter V, Code of Federal Regulations) on April 23, 1940, in Room 5144, United States Department of Labor Building, Washington, D. C., the Administrator will hear oral argument from interested parties either in support of or



in opposition to the aforementioned Determination and Order, provided that notice of intention to appear has been filed with the Administrator prior to the close of business April 22. The Administrator will receive supplementary briefs or memoranda provided they are filed with the Wage and Hour Division prior to the close of business April 18, 1940. All material must be filed in triplicate and will be available for examination by interested persons in Room 5144, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 18 day of March 1940.

PHILIP B. FLEMING,  
Colonel, Corps of Engineers,  
Administrator.

[F. R. Doc. 40-1114; Filed, March 18, 1940;  
11:22 a. m.]

#### NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective March 19, 1940, until July 16, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

#### OCCUPATION, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a

conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said § 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

#### NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

Lee Manufacturing Co., W. Pittston, Pa., dresses and sportswear, 40 learners.  
Tipton Manufacturing Co., Tipton, Mo., pants, 25 learners.

Weiss Shirt Company, Lebanon, Pa., shirts, 25 learners.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1119; Filed, March 18, 1940;  
11:59 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 19, 1940, until October 24, 1940, subject to the following terms:

#### OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers

that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

#### NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

#### NAME AND ADDRESS OF FIRM AND PRODUCT

Di-Anne Underwear Corp., 308 South First Street, Lebanon, Pa., 5 learners, silk underwear.

Euclid Garment Co., Inc., 280 North Main Street, Marion, Ohio, 5 learners, leather jackets, pants, and shirts.

Lee Manufacturing Company, W. Pittston, Pa., dresses and sportswear.

S. Kantor Company, Lebanon, Pa., ladies' blouses.

Tipton Manufacturing Co., Tipton, Mo., pants.

Weiss Shirt Company, Lebanon, Pa., shirts.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1120; Filed, March 18, 1940;  
11:59 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 19, 1940, until October 24, 1940, unless otherwise indicated, subject to the following terms:

#### OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:



(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

#### NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated herein below opposite the employer's name:

#### NAME AND ADDRESS OF FIRM AND PRODUCT

Emple Knitting Mills, Bangor, Maine, 5 learners, knit goods.

Rayotex Knitting Mills, Inc., Perry, N. Y. (expires July 23, 1940), 5 learners, knitted apparel and accessories.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAVE PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1121; Filed, March 18, 1940; 11:59 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective March 19, 1940, until July 16, 1940, unless other-

wise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

#### OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available, and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learners shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of Regulations Part 522, as amended, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. The Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen days following the publication of notice of their issuance, that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. Altering or attempting to alter this Certificate will render it invalid.

#### NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

Emple Knitting Mills, Bangor, Maine, knit goods, 15 learners.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAVE PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1122; Filed, March 18, 1940; 12 m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective March 19, 1940, until June 19, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

#### OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks' experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time-keepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their



issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

Hudson Falls Silk Mill, Hudson Falls, N. Y., silk and rayon, 4 learners.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1123; Filed, March 18, 1940; 12 m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 19, 1940, until October 24, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time-keepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided,*

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however, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Boott Mills, Lowell, Mass. (Expires July 2, 1940), cotton goods.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1124; Filed, March 18, 1940; 12 m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE WORK GLOVE DIVISION OF THE GLOVE BRANCH OF THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 19, 1940 until Oc-

tober 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the work glove division of the Glove Branch of the Apparel Industry under these Certificates is limited to the following occupation, learning period, and minimum wage rate:

(1) A learner is a person who has had less than 480 hours experience in the aggregate in machine stitching in any type of glove manufacturing.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for 480 hours for any one learner. During this period, learners shall be paid at least 25 cents per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 25 cents per hour, but in no case less than 25 cents per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Brookville Glove Company, 26 Railroad Street, Brookville, Pa., 3 learners, work gloves.

Galena Glove and Mitten Co., 430 Garfield Avenue, Dubuque, Iowa, work gloves.

Keller Glove Manufacturing Co., Plumsteadville, Pa., 5 learners, work gloves.

Newton Glove Manufacturing Co., Newton, N. C., work gloves.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1125; Filed, March 18, 1940; 12 m.]



## GALENA GLOVE AND MITTEN COMPANY

## NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners previously issued to the Galena Glove and Mitten Company, Dubuque, Iowa, on October 27, 1939, has been canceled effective March 19, 1940, pursuant to action taken under Section 14 of the Fair Labor Standards Act of 1938 and § 522.5 (b) of the Regulations Part 522, as amended, issued thereunder.

This action is taken in view of the issuance of a new certificate, issued in accordance with the Administrator's Findings and Determination of February 8, 1940, respecting the employment of learners in the Glove Industry and replaces the certificate issued October 27, 1939.

Signed at Washington, D. C., this 18th day of March 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1118; Filed, March 18, 1940;  
11:59 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5545]

## IN THE MATTER OF MINNESOTA POWER &amp; LIGHT COMPANY

## ORDER POSTPONING DATE OF HEARING

MARCH 15, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott. Clyde L. Seavey, not participating.

On its own motion, the Commission orders that:

The hearing<sup>1</sup> heretofore set by the Commission's order of February 23, 1940, to commence at 10 o'clock, a. m., March 18, 1940, be and the same is hereby postponed to March 25, 1940, at the time and place designated in said order of February 23, 1940.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1107; Filed, March 16, 1940;  
9:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of March A. D. 1940.

<sup>1</sup> 5 F. R. 817.

[File No. 70-4]

## IN THE MATTER OF COLUMBIA GAS &amp; ELECTRIC CORPORATION

## NOTICE OF AND ORDER FOR HEARING

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 2, 1940, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 25, 1940.

The matter concerned herewith is in regard to the acquisition at stated intervals during the year 1940 by Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, a registered holding company, of an aggregate of \$509,805.79 principal amount of 6% Income Demand Notes of The Cincinnati, Newport and Covington Railway Company, a subsidiary of Columbia Gas & Electric Corporation. The proceeds of the sale, amounting to \$509,805.79, are to be used by The Cincinnati, Newport and Covington Railway Company for various purposes, including the payment of interest and sinking fund requirements on its outstanding bonds amounting to \$257,900, the payment of balances on the purchase of capital stock of nonaffiliated bus and traction companies amounting to \$120,250, to alter and reconstruct certain equipment, to make initial payments on additional buses and to restore to the treasury funds expended in connection therewith, which aggregate \$131,655.79. The applicant has designated Section 10 of the Public Utility Holding Company

Act as being applicable to the proposed acquisition.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1116; Filed, March 18, 1940;  
11:48 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1940.

[File No. 70-9]

## IN THE MATTER OF THE NORTH AMERICAN COMPANY

## NOTICE OF AND ORDER FOR HEARING

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 22, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 21, 1940.

The matter concerned herewith is in regard to the proposed exchange of 78,710 shares of 6% Preferred Stock, Issue of 1921, of Wisconsin Electric Power Company owned by the Applicant for 78,710 shares of Preferred Stock, 4½% Series and 39,355 shares of Common Stock of said Wisconsin Electric Power Company, pursuant to an exchange offer proposed to be made by the latter company and described in a Notice of and Order For Hearing, entered by this Commission under date of March 1, 1940, in that proceeding identified as file number 70-1. The Preferred Stock,



4½% Series, proposed to be acquired by the Applicant will be convertible into Common Stock of the same issuer of like par value until June 1, 1952. The exchange offer will become effective only if at least 60% of said 6% Preferred Stock held by persons other than the Applicant is deposited for exchange.

It is stated in the application that 12,204 shares of said 6% Preferred Stock are held by the Applicant, subject to a provision requiring the conversion of these shares of said 6% Preferred Stock into an equivalent par value of the Common Stock of Wisconsin Electric Power Company and that

said company has applied to the Public Service Commission of Wisconsin for authority to remove this restriction.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1117: Filed, March 18, 1940;  
11:48 a. m.]



